

AMENDED IN SENATE MARCH 22, 2011

SENATE BILL

No. 840

Introduced by Senator Evans

February 18, 2011

~~An act to amend Section 13262 of the Health and Safety Code, relating to public safety. An act to add Section 1287 to the Health and Safety Code, relating to care facilities.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 840, as amended, Evans. ~~Public safety.~~ *Health care facilities:* carbon monoxide detectors.

~~Existing law requires the owner of a dwelling intended for human occupancy, as defined, to install a carbon monoxide device approved by the State Fire Marshal. A violation of those provisions is an infraction punishable by a maximum fine of \$200.~~

~~This bill would include residential care facilities among the types of dwellings that are subject to those requirements. By expanding the scope of a crime, the bill would impose a state-mandated local program.~~

Existing law provides for the licensure and regulation of health facilities, including, but not limited to, skilled nursing facilities, as defined, administered by the State Department of Public Health. A violation of these provisions is a crime.

This bill would require an owner of a skilled nursing facility to install carbon monoxide devices in that facility, that are approved and listed by the State Fire Marshal pursuant to Section 13263, on or before January 1, 2013. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1287 is added to the Health and Safety
2 Code, to read:

3 1287. An owner of a skilled nursing facility shall install carbon
4 monoxide devices in the facility, that are approved and listed by
5 the State Fire Marshal pursuant to Section 13263, on or before
6 January 1, 2013.

7 SECTION 1. ~~Section 13262 of the Health and Safety Code is~~
8 ~~amended to read:~~

9 ~~13262. For purposes of this chapter, the following definitions~~
10 ~~shall apply:~~

11 ~~(a) "Carbon monoxide device" means a device that meets all of~~
12 ~~the following requirements:~~

13 ~~(1) A device designed to detect carbon monoxide and produce~~
14 ~~a distinct, audible alarm.~~

15 ~~(2) A device that is battery powered, a plug-in device with~~
16 ~~battery backup, or a device installed as recommended by Standard~~
17 ~~720 of the National Fire Protection Association that is either wired~~
18 ~~into the alternating current power line of the dwelling unit with a~~
19 ~~secondary battery backup or connected to a system via a panel.~~

20 ~~(3) If the device is combined with a smoke detector, the~~
21 ~~combined device shall comply with all of the following:~~

22 ~~(A) The standards that apply to carbon monoxide alarms as~~
23 ~~described in this chapter.~~

24 ~~(B) The standards that apply to smoke detectors, as described~~
25 ~~in Section 13113.7.~~

26 ~~(C) The combined device emits an alarm or voice warning in a~~
27 ~~manner that clearly differentiates between a carbon monoxide~~
28 ~~alarm warning and a smoke detector warning.~~

29 ~~(4) The device has been tested and certified, pursuant to the~~
30 ~~requirements of the American National Standards Institute (ANSI)~~

1 ~~and Underwriters Laboratories Inc. (UL) as set forth in either~~
2 ~~ANSI/UL 2034 or ANSI/UL 2075, or successor standards, by a~~
3 ~~nationally recognized testing laboratory listed in the directory of~~
4 ~~approved testing laboratories established by the Building Materials~~
5 ~~Listing Program of the Fire Engineering Division of the Office of~~
6 ~~the State Fire Marshal of the Department of Forestry and Fire~~
7 ~~Protection.~~

8 (b) ~~“Dwelling unit intended for human occupancy” means a~~
9 ~~single-family dwelling, factory-built home as defined in Section~~
10 ~~19971, duplex, lodging house, dormitory, hotel, motel,~~
11 ~~condominium, stock cooperative, time-share project, dwelling unit~~
12 ~~in a multiple-unit dwelling unit building or buildings, or a~~
13 ~~residential care facility. “Dwelling unit intended for human~~
14 ~~occupancy” does not mean a property owned or leased by the state,~~
15 ~~the Regents of the University of California, or a local governmental~~
16 ~~agency.~~

17 (c) ~~“Fossil fuel” means coal, kerosene, oil, wood, fuel gases,~~
18 ~~and other petroleum or hydrocarbon products, which emit carbon~~
19 ~~monoxide as a byproduct of combustion.~~

20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.